

## REMARKS

### Election/Restriction

The Examiner has added claims 3, 12, and 18 as being drawn to the non-elected species. In response, Applicant traverses the addition of claims 3 and 12 as being drawn to the non-elected species, and submits the following arguments and evidence in support of the traversal.

Claim 3 is drawn to a variation on the elected species wherein the housing is substantially square with the height and width being the same length, followed by smaller depth. Claim 3 is supported in the specification in the paragraph beginning with the words "Housing 101" and ending with the words "from two (2) to four (4) inches" on page 11. The second sentence of that paragraph states that in a preferred embodiment, width 122, height 124 and depth 126 may have specified dimensions or ranges of dimensions. The word "may" implies that width 122, height 124 and depth 126 may vary, including height 124 and width 122 being the same length. In the drawings, Figure 7 shows housing 212 as rectangular. The height and width of a rectangle can be the same length. In that case, the rectangle is also a square. Because height 124 and width 122 can vary, height 124 and width 122 may be the same length. Therefore, claim 3 is supported in the specification and in the drawings as a variation on the species of Figure 7. No new matter is added.

Claim 12 is drawn to a variation on the elected species wherein the joint mechanism further comprises at least one spacer placed between the rod joints and maintaining a gap between the flag rods. Claim 12 is supported in the specification in the paragraph beginning with the words "Figure 7 is a perspective view" on page 14 and ending with the words "within the same housing 212" on page 15. Claim 12 is supported in the drawings in Figure 7 where it is shown that rod joint 206 and spacer 208 may be separate as shown by dashed line 207. Therefore, claim 12 is supported in the specification and in the drawings as a variation on the species of Figure 7.

Applicant has also amended the specification to replace the paragraph beginning with the words "Figure 7 is a perspective view" on page 14 and ending with the words "within the same housing 212" on page 15, in order to correct the typographical error "spacer 108" to "spacer 208" in agreement with the drawing of Figure 7. No new matter is added.

In further response, Applicant acknowledges the Examiner's addition of claim 18 as being drawn to the non-elected species.

### **Drawings**

The Examiner has objected to the drawings as not showing the spring of claim 14. In response, Applicant has submitted a corrected drawing sheet showing the spring. Applicant has also submitted an annotated sheet showing the spring. No new matter is added.

### **Claim Objections**

The Examiner has objected to claim 1 because it says "horizontal axis" and should be "horizontal plane" or "vertical axis". In response, Applicant has amended claim 1 to read "vertical axis". No new matter is added.

### **Claim Rejections - 35 USC § 112**

The Examiner has rejected claim 14 as failing to comply with the enablement requirement because it is unclear how a spring is connected to the flag rods in order for it to return the flag rods to a designated position. In response, Applicant has amended the drawings and specification as above. Applicant submits that this rejection is thus overcome. No new matter is added.

**Claim Rejections - 35 USC § 102**

The Examiner has rejected claims 1, 2 and 15 as being anticipated by the patent to Friesz. In response, Applicant has incorporated the limitations of claim 14, dependent from claim 1, into claim 1. Claims 2 and 15 depend from claim 1. The amendment is supported in the specification in the paragraph beginning with the words "Range of motion 134" and ending with the words "will return to its original position once released" on page 13. Friesz does not disclose a joint mechanism further comprising a spring to return and maintain flag rods in a designated position within a housing. Applicant submits that this rejection is thus overcome. No new matter is added.

**Claim Rejections - 35 USC § 103**

The Examiner has rejected claims 5, 7, 9, 16, 10, 11, 13 and 19 as being unpatentable over Friesz in view of other patents. In response, Applicant has incorporated the limitations of claim 14, dependent from claim 1, into claim 1. Claims 5, 7, 9, 16, 10, 11, 13 and 19 depend directly or indirectly from claim 1. The amendment is supported in the specification in the paragraph beginning with the words "Range of motion 134" and ending with the words "will return to its original position once released" on page 13. None of the cited patents discloses a joint mechanism further comprising a spring to return and maintain flag rods in a designated position within a housing. Applicant submits that this rejection is thus overcome. No new matter is added.

**New Claim**

Claim 21 is new. Claim 21 is supported in the specification in the paragraph beginning with the words "Housing 101" and ending with the words "from two (2) to four (4) inches" on page 11; in the paragraph beginning with the words "Range of motion 134" and ending with the words "will return to its original position once released" on page 13; beginning with the paragraph beginning with the words "Figure 7 is a perspective view" on page 14, and ending with the paragraph ending with the words "substantially perpendicular to support shaft 116" on page 15; and in the rest of the specification. No new matter is added.

**CONCLUSION**

In light of the above arguments and amendments, Applicant respectfully asserts that all grounds for rejection and objection have been avoided and/or traversed. The Examiner is therefore respectfully requested to reconsider the application and allow the remaining claims.

Should the Examiner believe that prosecution of this application might be expedited by further discussion of the issues, he is invited to telephone the undersigned attorney for Applicant at the telephone number listed below.

Respectfully submitted,

Dated: 3-24-2006

  
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Docket No.: 1373-PA01

## **DRAWING AMENDMENTS**

Please replace the drawing sheet containing Figure 4 and Figure 5, with the attached Replacement Sheet.

Applicant has also attached an Annotated Sheet corresponding to the attached Replacement Sheet.

# ANNOTATED SHEET

